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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,655	07/14/2000	Pedro Eugenio Cosma	RCA 89.477	6489

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EXAMINER

COLON, GERMAN

ART UNIT PAPER NUMBER

2879

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/616,655

Applicant(s)

COSMA ET AL.

Examiner

German Colón

Art Unit

2019

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attached sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached response.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 2,4-8.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

  
NIMESHKUMAR D. PATEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

***Response to Amendment***

1. The proposed amendments raise new issues that would require further consideration. The Examiner notes that proposed claims 2, 5, 7 and 8, now dependent on amended claim 4, include limitations of claim 4 not previously included on claim 1, from which they were dependent. Claim 1 comprises the limitation of "at least *two sides* include an edge in the form of a metal part". Proposed amendment of claim 4 comprises the limitation of "the *short sides* include an edge in the form of a metal part". Therefore, the rejection of claims 2, 5, 7 and 8 in the Final Rejection (Paper #6) did not require the sides including an edge being the short sides of the mask.

***Response to Arguments***

2. Below is provided an explanation of how the amended claims would be rejected and a response to Applicants' arguments.

Applicants' argue that Lakshmanan et al. in view of Sakata et al. neither teaches or suggests all of the claimed limitations of amended claim 4, specifically, that (1) Lakshmanan does not teach the mask being held under tension between the long sides of the frame, (2) that Sakata teaches the holding members being arranged perpendicular to the surface of the mask, and (3) that Lakshmanan-Sakata does not teach securing a support means over one surface of an edge that extends from short sides of a frame substantially parallel to the surface of the mask.

These arguments were not persuasive.

The Examiner notes that Lakshmanan discloses a color cathode-ray tube (see Fig. 1) comprising a glass front faceplate 15, a screen of luminescent materials 18, a color-selection mask 22, a frame 25 to which the mask is fixed, the frame being of a substantially rectangular

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shape defined by a pair of opposed long sides **33** and a pair of opposed short sides **36** (see Col. 4 lines 14-17), the sides including an edge **36** in the form of a metal part substantially parallel to the surface of the mask, the frame/mask assembly being held within the faceplate by support means engaging pins **14**, said means incorporate a metal piece including a first portion **27** extending over one of the surfaces of said metal part and a second portion **40** extending in a direction substantially perpendicular to the surface of the mask.

Lakshmanan is silent regarding the limitation of "said metal piece and said support means having coefficients of thermal expansion that cause the sides having the first portion to deform when heated such that ends of the sides not having the first portion approach each other to reduce the tension in the mask during heating". The Examiner notes that this limitation is dependent on a difference of the coefficients of thermal expansion (CTE) between the frame and the metal piece, specifically, when the coefficient of thermal expansion of the metal piece is greater than that of the frame. Lakshmanan teaches the metal piece being made of stainless steel and the frame being made of low carbon steel. It is known in the art that the coefficient of thermal expansion of stainless steel is greater than that of low carbon steel (i.e. CTE for stainless steel is in a range of 17.06 to 18.5; CTE for low carbon steel is in a range of 12.2 to 13.5).

It is elementary that mere recitation of a newly discovered function or property, inherently possessed by things in the prior art, does not cause a claim drawn to distinguish over the prior art. Additionally, where the Patent Office has reason to believe that a functional limitation asserted to be critical for establishing novelty in the claimed subject matter may, in fact, be an inherent characteristic of the prior art, it possesses the authority to require the applicant to prove that the subject matter shown to be in the prior art does not possess the

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characteristic relied on. *In re Swinehart*, 169 USPQ 226 (CCPA 1971). Thus, the functional limitation of "having coefficients of thermal expansion that cause the sides having the first portion to deform when heated such that ends of the sides not having the first portion approach each other to reduce the tension in the mask during heating" is taught by Lakshmanan under the principles of functional inherency.

Regarding the limitation of "the mask being held under tension between the long sides of the frame", it is considered to be inherent of the mask to have an applied tension along the sides of the frame due to the welding of said mask to the mask frame.

The Examiner concurs with applicants in that Sakata discloses the holding members being arranged perpendicular to the surface of the mask. However, the Examiner was not relying on the support means taught by Sakata but on the teachings of the equivalence of placing the support pins at the corners or arranging them toward the inner part of the panel in the vicinity of the corner portion as shown in Figs. 27 to 29 (see also Col. 9, lines 56-64 "similar effects are obtained by arranging the support pins toward the inner part of the panel"). On Figure 29 the support pins are placed in the short sides of the faceplate. Therefore, it would have been obvious to anyone of ordinary skill in the art at the time the invention was made to use Sakata's teaching to modify the frame/shadow assembly of Lakshmanan since Sakata teaches that is equivalent to place the support pins at the corners or arranging them toward the inner part of the panel in the vicinity of the corner portion.

Therefore, the combination Lakshmanan-Sakata teaches all the limitations of amended claim 4, and dependent claims 2, and 5-8

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Further, the Examiner notes that amended claim 2 claims the support means placed at the corners of the frame, which is the embodiment disclosed by Lakshmanan.